

**CITY OF CENTENNIAL,
COLORADO**

RESOLUTION NO. 2023-R-13

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF CENTENNIAL,
OPPOSING THE STATEWIDE LAND USE AND ZONING MANDATES AND
PREEMPTION OF HOME RULE IN SENATE BILL 23-213**

WHEREAS, for a century, the State of Colorado has committed in the state constitution, state statutes, and through judicial decisions of the appellate courts that land use planning and zoning is to be locally controlled because local governments are closest to the land and to the people that occupy the land; and

WHEREAS, zoning and land use cannot be viewed separately from the impacts of proposed uses of land on surrounding properties and a community as a whole, including the ability to ensure adequate water and utilities; to provide adequate public safety services, schools, and recreational services; to make sure that sufficient and safe infrastructure is available to handle increased population or more intense uses; to align development with the community's economic goals; to prevent displacement of existing people; to preserve important historical sites; and to protect open space and the environment in general; and

WHEREAS, Senate Bill 23-213 would place statewide mandates on many important local land use matters that define the local community and that allow local governments to address local needs, would deny local government its historically-accepted oversight and role in local decision making, and would substitute the judgment of state legislators and state regulators who lack the experience and understanding needed to make the right decisions for a local community; and

WHEREAS, Senate Bill 23-213 will undermine long-range planning efforts and will severely limit our ability to maintain reasonable zoning regulations to ensure a high quality of life and a sound economic environment for our current and future residents, workers, and business owners; and

WHEREAS, Senate Bill 23-213 silences the voices of our residents by taking away the right to be heard at public hearings on zoning matters and to use their constitutionally granted rights of initiative or referendum to address zoning and land use matters,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Centennial, Colorado, as follows:

Section 1. The City of Centennial **opposes** Senate Bill 23-213 and strongly urges its legislators to vote **NO** on this unprecedented and irresponsible preemption of local powers granted by the Colorado Constitution to the municipalities of the state.

Section 2. It is the position of the City of Centennial that municipalities are best suited to determine appropriate zoning laws for their communities and that collaboration, cooperation, and local empowerment – not top-down statewide mandates and giveaways to special interests – are the solution to Colorado’s affordable housing problem.

Section 3. SB 23-123 directly undermines and harms the City of Centennial’s local land use interests in important ways:

- A. Centennial commenced an extensive housing study and regulatory effort to provide housing options to address our local needs for affordable and attainable housing. SB 23-213 ignores the City’s ongoing local housing efforts and wastes the City’s and our taxpayers’ resources previously committed to an effort to address housing issues.
- B. The City of Centennial embraced our local and regional role and responsibility in providing a diversity of housing options. Over nearly 20 years, the City has approved the development of *far more* units of “middle housing” and higher density housing than single family dwelling units. These middle housing and higher density units include apartment/multi-family, attached and townhouse, high density cooperative ownership, small-lot cottage court or clustered housing, live/work units, transitional/extended stay housing, and other forms of higher density residential.

SB 23-213 fails to acknowledge the City’s long-standing and concerted efforts in delivering locally and regionally available higher density housing opportunities. Instead, SB 23-213 imposes a statewide model of housing without understanding that the City is *already* providing for greater density and housing diversity while also remaining sensitive to impacts on our older neighborhoods.

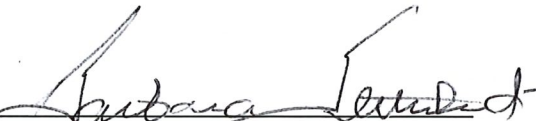
- C. The City of Centennial, like many municipalities, does not provide or control necessary water or sanitation utilities. Special districts independently provide these services to residents. SB 23-213 forces municipalities to accept higher density without any ability to consider whether the new density can be served by our special districts. SB 23-213 provides that the unit can be built but the unit may not be able to secure the needed utilities.
- D. Since its inception in 2001, the City of Centennial planned, constructed, and improved a transportation network designed and balanced to serve the City’s long-established mix of single family, existing and planned higher density development, and reasonable projections for additional density. SB 23-213 unilaterally authorizes significant increases in density without providing an ability to address density increases that will undeniably overload Centennial’s local street networks. Moreover, SB 2-213 provides no funding for the City’s immediate needs to alter and improve the transportation network to protect our citizens’ health and safety.

Section 4. **Effective Date.** This Resolution shall take effect immediately upon approval by the City Council.


Adopted by a vote of 9 in favor and 0 against, this 4th day of April, 2023.

By: 
Stephanie Piko, Mayor

ATTEST:

By: 
City Clerk or Deputy City Clerk

Approved as to Form:

By: 
Robert C. Widner City Attorney